

FEDERAL COMMUNICATIONS COMMISSION

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PUBLIC HEARING ON MEDIA OWNERSHIP

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FRIDAY, NOVEMBER 9, 2007

The above-entitled matter convened at 4:00 p.m. at the Town Hall Seattle, Great Hall, 1119 8th Avenue, Seattle, Washington, Chairman Kevin J. Martin, presiding.

MEMBERS OF THE COMMISSION PRESENT:

COMMISSIONER MICHAEL J. COPPS
COMMISSIONER JOHATHAN S. ADELSTEIN
COMMISSIONER ROBERT M. McDOWELL

MODERATOR:

LOUIS J. SIGALOS, Chief, Consumer Affairs and
Outreach Division, FCC

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1 P-R-O-C-E-E-D-I-N-G-S

2 CHAIRMAN MARTIN: Good afternoon. I
3 thank you all for being here for the Federal
4 Communication Commission's sixth and final public
5 hearing on media ownership. I want to first
6 thank everyone for both panels for agreeing to
7 testify who we're going to hear from in just a
8 moment and the Town Hall for graciously hosting
9 us.

10 Before we begin with our first panel
11 remarks, we do have an opening statement. The
12 Governor is here. I thought she was here.

13 (Applause.)

14 GOVERNOR GREGOIRE: Good afternoon,
15 everyone. I'm Chris Gregoire, governor of the
16 great state of Washington. I want to thank you
17 for coming to our state today on this very
18 important issue.

19 And I'd like, if I could, to begin by
20 saying while you see some wonderful people who
21 are very concerned about this issue, had we been
22 able to have more advance notice we would have

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1 packed your room --

2 (Applause.)

3 GOVERNOR GREGOIRE: We would have
4 packed this room. It would be have been standing
5 room only. It would be have been Washingtonians.
6 It would have been folks from Oregon. It would
7 have been folks from Idaho. So please, I don't
8 want you to think that this is the interest. In
9 fact, the interest is wide; it is deep through
10 all of the Pacific Northwest and our state.

11 (Applause.)

12 GOVERNOR GREGOIRE: Today I urge you
13 to take a broad interest view of the issues that
14 you are considering. These regulatory decisions
15 are not solely matters for business. I fervently
16 believe the airwaves are public property --

17 (Applause.)

18 GOVERNOR GREGOIRE: -- and owners who
19 use them have made strong obligations to the rest
20 of us to maintain that use in the public
21 interest.

22 You last looked at this issue in 2002

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1 and I wrote you then as attorney general for our
2 state with my deep concerns about the FCC's
3 efforts to accelerate the already rapid trend
4 towards consolidation in the media. Those
5 concerns are no less on my mind today and, in
6 fact, are heightened. As governor I continue to
7 be opposed to further concentration of media
8 ownership through consolidation.

9 (Applause.)

10 GOVERNOR GREGOIRE: Such
11 concentrations stifle creativity. They stifle
12 content. It narrows perspective available to
13 each of us, each of us as citizens, and it's
14 clearly unhealthy in a society that rests on
15 principles of equality and diversity. I find it
16 ironic that in an age with so many new ways for
17 people to communicate and so many ways to
18 exercise the literal beauty of democracy we face
19 a very real threat that those new ways will be
20 controlled by but a few.

21 Since 1995 there are 40 percent fewer
22 TV station owners due to consolidation. Three

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1 media companies own all of our cable news
2 networks, and two companies serve 40 percent of
3 households getting cable television. Just one
4 company now owns nearly 1,200 radio stations
5 across the country.

6 And before 1996 no company could own
7 more than 40 stations nationwide, and I'm not
8 just talking about newspapers and TV stations and
9 radio stations. Ownership of what we can hear,
10 view, and say is concentrating in key choke
11 points, such as the Internet content and phone
12 transmissions. A handful--

13 (Applause.)

14 GOVERNOR GREGOIRE: Literally a
15 handful of companies now dominate the top
16 Internet news sites. We need competition, not
17 concentration.

18 (Applause.)

19 GOVERNOR GREGOIRE: We need diversity.
20 We need vitality. We need local perspectives.
21 Democracy depends on the thriving marketplace of
22 ideas. It depends on a healthy means of a menu

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1 of political discourse, culture, and the arts.
2 Do we really, do we really want to concentrate
3 control of this market and place it in the hands
4 of a few? I can tell you I don't, and I do not
5 believe my fellow Washingtonians do either.

6 What happens if a single owner doesn't
7 like what is being said on television or through
8 the newspaper or through the Internet, will this
9 individual engage in censorship? That is a
10 problem. The possibility of censorship --

11 (Applause.)

12 GOVERNOR GREGOIRE: The possibility of
13 censorship makes people lose confidence that
14 their voices will be heard.

15 We already have a problem with
16 distrust in far too many of our major
17 institutions in this country. We do not need
18 media added to the list simply because of
19 consolidation. If our means of communication is
20 controlled by but a few, what's to stop them from
21 blocking our artists, our musicians, our
22 grassroots political organizations and others

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1 from the doorway needed to reach these audiences?

2 (Applause.)

3 GOVERNOR GREGOIRE: Literally how will
4 the next great author get published? How will
5 the next great band be able to leave a garage in
6 West Seattle for a worldwide audience?

7 (Applause.)

8 GOVERNOR GREGOIRE: How will photos or
9 video documenting injustice be seen widely enough
10 to spark a response?

11 I must say to you this is not just a
12 problem in Seattle. It is a problem in
13 perception as well. Both are a problem.
14 Concentration of media ownership in all its
15 evolving forums -- forms is a real problem for
16 the people of the state of Washington. It's a
17 problem for me. It's a problem for all of us who
18 live in the Pacific Northwest and across this
19 great nation, who live and work in creative,
20 expressive, innovative communities from Spokane,
21 Washington to Seattle, from Vancouver, Washington
22 to Bellingham.

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1 I ask you please ensure that our
2 citizens have access to all of the the sources of
3 information and perspectives so our democracy can
4 thrive.

5 Thank you very much.

6 (Applause.)

7 CHAIRMAN MARTIN: We also have an
8 opening statement from the State Attorney General
9 Rob McKenna.

10 MR. MCKENNA: Mr. Chairman and members
11 of the Commission, thank you for this opportunity
12 to testify before the Federal Communications
13 Commission regarding media consolidation. As
14 attorney general for the state of Washington I
15 have a keen interest in competition and
16 maintaining a fair and open marketplace. I'm
17 also a strong believer in the importance of a
18 robust and diverse media in our democratic
19 society to guarantee our rights under the the
20 first amendment.

21 With this in mind I have a number of
22 concerns about this hearing process and questions

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1 about the underlying policy proposals. I
2 understand I am not alone in these concerns.

3 (Applause.)

4 MR. McKENNA: First, regarding the
5 process, the Commission's further notice of
6 proposed rule making is arguably improper. It
7 does not clearly set forth specific rules, but
8 outlines a history of the prior and asks a series
9 of philosophical questions regarding what steps
10 should be taken next. I'm concerned that any
11 rules that come out of this process will be
12 challenged again and successfully in court.

13 This Seattle hearing was announced
14 with very little advanced notice, as the Governor
15 has noted. Senator Maria --

16 (Applause.)

17 MR. McKENNA: Thank you for not
18 allowing that to be a barrier to your attendance
19 here today, by the way.

20 Senator Maria Cantwell and
21 Representative Jay Inslee were correct in asking
22 for at least one month's time so that testimony

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1 could be adequately prepared in an informed
2 manner. I also agree with Senators Beyer and
3 Dorgan and Trent Lott who yesterday introduced a
4 bill that would require the Commission to release
5 final rules for publication and give at least 90
6 days for public comment.

7 (Applause.)

8 MR. McKENNA: Their bill would also
9 require that localism issues be studied more
10 robustly. The hearing should have addressed all
11 topics in a more studied fashion because the
12 issues of local ownership and media consolidation
13 are intertwined and cannot be segregated and
14 should not be segregated in separate hearings or
15 processes.

16 (Applause.)

17 MR. McKENNA: Regarding media
18 consolidation, changing the cross-media ownership
19 limits may have an impact on local ownership,
20 which may in fact reduce the amount of local news
21 available. The group Reclaim the Media cites the
22 following statistics:

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1 Locally owned broadcasts companies
2 devote an average additional 20 to 25 percent of
3 their newscasts to local news stories;
4 approximately 5 more minutes per half hour
5 broadcast than nationally owned stations do.
6 When ownership is transferred from a local family
7 or group to a national chain, local issues
8 received less coverage. Newsrooms owned by big
9 chains tend to rely more on syndicated feeds and
10 are more likely to air national stories with no
11 local connection.

12 Furthermore, Free Press, a media
13 oversight group, said its analysis of FCC data
14 found that markets where companies had waivers to
15 own newspapers and TV stations had less local
16 news coverage than markets that didn't.

17 More complete rigorously peer-reviewed
18 and directed economic studies are needed,
19 especially if such studies are going to be relied
20 upon to allow a loss or reduction of business
21 competition.

22 Now, from an antitrust enforcement

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1 standpoint, I'm very concerned that lifting the
2 ban on cross-ownership will result in market
3 power far above anything currently allowed under
4 our antitrust laws --

5 (Applause.)

6 MR. MCKENNA: -- allowing unchecked
7 acquisitions to concentrate market power to too
8 few competitor's hands.

9 This Commission says it has conducted
10 ten studies in this area that critics point that
11 in their view these studies are biased and
12 flawed. The disagreement between what this
13 Commission is saying what groups, such as
14 Consumers Union, Reclaim the Media, and Free
15 Press, are saying about the economic literature
16 indicates there is room for more complete study.

17 We're also concerned that a lack of
18 competition in the media could adversely impact
19 small businesses. Small local businesses need to
20 be able to advertise via local media outlets,
21 such as radio and TV. If national conglomerates
22 own both national and local stations and prefer

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1 doing business with national advertisers, we're
2 concerned that local businesses may not still be
3 able to buy advertising time at a cost they can
4 afford.

5 (Applause.)

6 MR. MCKENNA: More complete studies
7 should be conducted to assess the impact of the
8 proposed new rules on current and potential
9 minority and small business owners. Ironically,
10 while the Commission has expressed concern about
11 maintaining viable ownership by women and
12 minorities, the new rules allowing huge
13 conglomerates to capitalize expansion into cross-
14 ownership makes it difficult for small
15 businesses, especially those owned by women and
16 minorities, to successfully compete for the
17 licenses.

18 The third circuit noted this in its
19 Prometheus decision. Here in Washington state we
20 have a growing minority community, and we'd like
21 to protect those communities' ability to compete
22 for licenses against the big conglomerates.

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1 Commissioner Copps has pointed out
2 that people of color make up 30 percent of our
3 population nationally, yet own only 4.2 percent
4 of our radio stations and 1-1/2 percent of the TV
5 stations in this country.

6 I'm in agreement with yesterday's
7 congressional proposal requiring much more robust
8 study of ownership by women and minorities before
9 further action is taken.

10 (Applause.)

11 MR. McKENNA: Clearly, there are many
12 thorny issues this Commission must address before
13 moving forward in this rule making process. I
14 respect the Commission's position and the
15 difficult balancing act you all face in
16 protecting access to the media while ensuring a
17 competitive marketplace.

18 That's why it is all the more
19 important that you conduct trusted, independent,
20 and peer-reviewed analyses of these issues, and
21 why --

22 (Applause.)

1 MR. McKENNA: And why it is vital that
2 all interested parties have adequate time to
3 review your proposals and provide informed input
4 before any changes to FCC rules are adopted.

5 Thank you very much.

6 (Applause.)

7 CHAIRMAN MARTIN: We'll now have an
8 opening statement via DVD from Senator Maria
9 Cantwell.

10 SENATOR CANTWELL: Hello. I'm very
11 pleased Seattle is hosting one of these crucial
12 public hearings on media ownership. I appreciate
13 the great turnout, especially on short notice.
14 And I wanted to thank --

15 (Applause.)

16 SENATOR CANTWELL: -- the people who
17 are participating in this event as well.

18 Our state has a history of quality
19 local news and broadcasting with a strong
20 commitment to local angles and focusing on key
21 issues, which is why I'm troubled by press
22 reports that Chairman Martin plans to wrap up the

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1 current examination of FCC media ownership rules
2 by December 18th. I would ask the Chairman,
3 what's the hurry? I'm equally concerned that
4 some --

5 (Applause.)

6 SENATOR CANTWELL: -- of the public
7 statements changing the Commission's ban on
8 broadcast-newspaper cross-ownership.

9 Yesterday in the United States Senate
10 Commerce Committee we held a hearing on this
11 issue, on local diversity and media ownership.
12 And at the hearing some of my colleagues, like
13 Senator Dorgan, Senator Lott, Senator Snowe and
14 I, all spoke about the future of America's media.
15 And I can tell you we do not believe it should be
16 one big consolidation plan.

17 America needs more voices. We need
18 more diversity. We need more local input and not
19 less. We need the diversity of ownership and
20 ownership that reflects America's identity.

21 There is a general sense that maybe
22 the die has already been cast and that there are

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1 those who are just pushing for media
2 concentration, but I believe that is the wrong
3 direction. I support media diversity and will
4 fight hard in the United States Senate to protect
5 it.

6 The ownership of broadcast and print
7 media get to the very heart of what we value as
8 Americans, that is, the freedom of speech, the
9 encouragement of multiple viewpoints, of a
10 vibrant, competitive economy, and local
11 diversity. Diversity and localism in the media
12 have energized our democracy, and citizens need
13 to access a broad array of independent opinions
14 and data and analysis so that we can have more
15 information to make up our minds.

16 Second, consolidation of media in
17 America I think could be very bad for our
18 economy. Just think about it. It increases the
19 advertising rate, raises the cost for America's
20 small businesses, especially our small businesses
21 who depend on advertising.

22 And third, media diversity is

1 important because it encourages the outlet for
2 innovative programming. That means that you get
3 the local perspective, the perspective of local
4 events, local news, and that they are just as
5 important as those news stories that get national
6 billing. It keeps us and our communities strong.

7 If this current process continues of
8 pushing for media consolidation, I guarantee you
9 that Senators from both parties will act. In
10 2003 the Senate worked to stop media
11 consolidation, and we will work to do so again.

12 Commissioners, I thank you for being
13 here tonight, but I'd also like to thank the many
14 members of the public who are here to contribute
15 as well, to give their opinions and to talk about
16 why the diversity of voices in America,
17 especially here in Seattle, are so important.
18 Thank you.

19 (Applause.)

20 CHAIRMAN MARTIN: We also have a
21 statement via DVD from Congressman Jay Inslee.

22 CONGRESSMAN INSLEE: Good evening.

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1 I'm Congressman Jay Inslee representing the First
2 Congressional District and thousands of Americans
3 who want to make sure that the FCC maintains
4 rules against excessive media consolidation. I
5 wish I could join you tonight. We're voting so I
6 won't be able to join Reclaim the Media, Free
7 Press, representatives from the Seattle Times,
8 and others tonight who will be testifying about
9 the importance of democracy of maintaining these
10 rules against excessive media consolidation.

11 Like many of the witnesses here
12 tonight, I have very serious concerns about
13 efforts to weaken existing limits on media
14 ownership. Weakening these rules would allow the
15 media landscape to be dominated by massive
16 corporations, putting too much control in too few
17 hands, and producing a system where only a
18 powerful few -- excuse me -- a powerful few can
19 be heard.

20 It could lead to a lack of diversity
21 of voices and I believe would. It would lead to
22 programming that is out of touch with local

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